

## **RDMD/Planning and Development Services**

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**DATE:** June 10, 2004

**TO:** Orange County Zoning Administrator

**FROM:** RDMD/PDS/Current and Advance Planning Services

**SUBJECT:** Public Hearing on Planning Application PA04-0036 for Variance

**PROPOSAL:** The applicant proposes to convert and remodel an existing two-car side entry garage into a three-car front entry garage. The proposed garage will have a driveway length of 17 feet (minimum) from the garage door to the sidewalk. The County standard garage driveway length is 20 feet and can be reduced to 18 feet with the use of sectional type garage door.

**LOCATION:** The subject property is located in the community of Rossmoor/Los Alamitos, at 3311 Oak Knoll Drive. Second Supervisorial District.

**APPLICANT:** Aleksandar Nadazdin, property owner

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-3522

**SYNOPSIS:** PDS/Current and Advance Planning Services recommends Zoning Administrator approval of PA04-0036 for Variance subject to the attached Findings and Conditions of Approval.

### **BACKGROUND:**

The subject site is located in the community of Rossmoor, an unincorporated residential community between the cities of Los Alamitos and Seal Beach; and the 605 Freeway. The subject site is an interior lot measuring approximately 66 feet in the front, 98 feet in the rear and 107 feet on the sides and developed with a one-story single-family dwelling (built in the late 1950s or early 1960s). The garage foundation wall was measured by staff to be 16 feet – 6 inches from the back of sidewalk which is also the front property line.

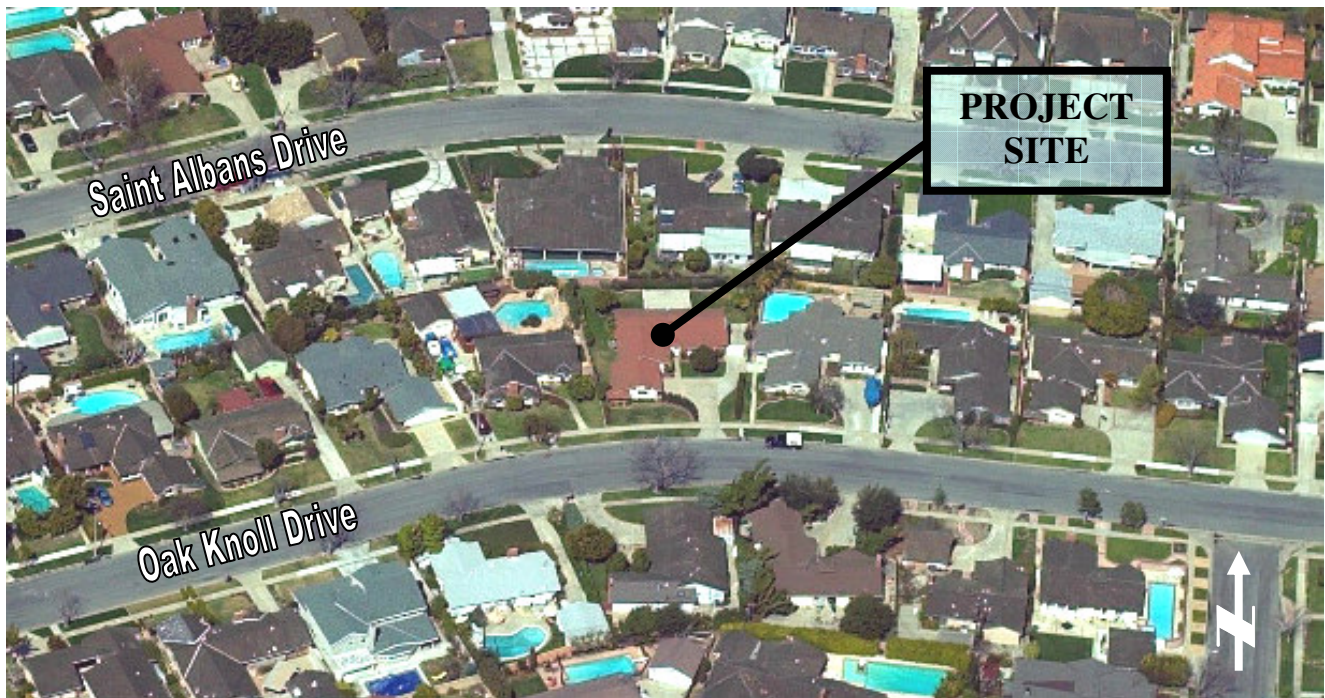
The applicant proposes to demolish the existing side entry two-car garage and construct a new three-car front entry garage with an interior space of 30 feet – 6 inches wide by 19 feet – 3 inches deep. The usable width of the garage per Zoning Code standard is 27 feet – 6 inches. The minimum width for a three-car garage is 27 feet. The front of the new garage will be located approximately 12 inches further back from the front property than the existing garage creating a new driveway length that varies from 20 feet to a minimum of 17 feet from the garage door to the sidewalk. The new garage conforms to the 5 foot side yard setback. A new front yard space will be created with the removal of the old side entry driveway.

Since the entire proposed new driveway does not meet the minimum length of 18 feet, a Variance is request.

This site was developed under the original standard R1 residential zoning and Variance V2754, a tract wide variance approved in February 1957 that permitted variances to front, rear and side setbacks; and to locations of detached garages. Many model types were built with side entry garages with front setbacks between 15 and 17 feet. Model types constructed with front entry garages were generally approved with setbacks of 18 feet or greater. The applicant's property was approved with a side entry garage, with a front yard setback of 15 feet for the garage. It appears that the garage was constructed with a setback 16 feet – 6 inches from the front property line. The current residence is typical of many homes in Rossmoor.

#### SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	R1/28 "Residential single-family"/28 feet height limit	Single-family dwelling
North	R1/28	Single-family dwelling
South	R1/28	Single-family dwelling
East	R1/28	Single-family dwelling
West	R1/28	Single-family dwelling



**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to five County Divisions and the Rossmoor Homeowners Association. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The Rossmoor Homeowners Association commented (see Exhibit 2) that the garage doors should be setback an additional foot so as to provide a minimum driveway length of 18 feet.

**CEQA COMPLIANCE:**

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as setback variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

The standard setback or driveway length for a garage is 20 feet from the back of sidewalk. With the use of a sectional garage door, this setback can be reduced to 18 feet (Orange County Zoning Code Section 7-9-137.1). The 18 feet provides for adequate parking for most cars and some pick-up trucks and SUVs in front of garages without the vehicle projecting into the sidewalk area. The proposed driveway setback of 17 feet also provides adequate driveway length for the majority mid-size and standard-size cars (Chevrolet Impala), mini-vans, mid-size pick-up trucks and smaller SUVs (such as the Jeep Grand Cherokee and the Ford Explorer). Larger cars, trucks and SUVs like the Ford Crown Victoria the Ford F-150 pick-up with an 8' bed, the Ford Excursion and Chevy Suburban will not be able to park in the driveway without the vehicle encroaching into the sidewalk area. These larger vehicles will not fit into an 18-foot space parking space or in today's typical 18 foot garage length.

It should be noted that the frontage street is a curve and the proposed garage is straight. This creates a situation where the minimum driveway length of 17 feet on the east side of the garage is increased to 20 feet on the west side of the garage (closest to the property line). Because of this situation, two of the new parking spaces in front of the garage should conform to the minimum 18-foot setback from the garage door to back of sidewalk (the applicant proposes to use sectional garage doors). Since two spaces conform to the County standard for driveway length. This should satisfy the comments from the Rossmoor Homeowners Association and the proposed 17 feet driveway length.

This proposal exceeds the County standard for off-street parking for a single-family dwelling (two covered spaces and generally two spaces in front of the garage). The proposal provides three standard covered spaces and two standard spaces and one near standard space in front of the garage. Because the applicant is providing parking in excess of the County standard, staff is able to support the applicant's Variance request. Staff notes that similar requests for conversion of a side entry garage to a front entry garage with a 17-foot setback in Rossmoor were previously approved on February 8, 2001 through PA01-0126 and on April 1, 2004 through PA04-0006. None of these previous approval provided a third covered on-site parking space.

However, before this Variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator cannot make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings. The special circumstance for approving the variance requested for this proposal is in Finding No. 7 of Appendix A.

Staff notes that approval of the proposal to change from a two-car side entry garage to a three-car front entry garage substantially changes the appearance of the structure. As seen in the photos submitted by the applicant in Exhibit 3, the side entry garage currently has small windows facing the street, a planter box under the window, and an architectural “bird house” feature at the garage roof peak. The “Rossmoor” features will be replaced with a larger wall of garage doors and a new roofline. There are no architectural guidelines or requirements in Rossmoor’s current zoning or the Zoning Code. Staff also notes that what appears in these photos as a recently planted tree in the landscape parkway where the new driveway will be constructed, had been removed before staff’s visited the site on May 28. The site plans submitted does not show a tree or a location for planting a new tree. The Rossmoor Homeowners Association did not comment on the architectural change proposed or the tree’s removal.

#### **RECOMMENDED ACTION:**

PDS/Current and Advance Planning Services recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA04-0036 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CAPS/Site Planning Section

WVM

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## **APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

## **EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Comment letter dated May 13, 2004 for the Rossmoor Homeowners Association.
- 3. Site Photos
- 4. Site Plans

## **APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the RDMD/Planning and Development Services.